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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG 29 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Request of Limited Modification of)
LATA Boundaries to Provide ELCS)
Between the Bowie)
exchange and the Decatur and)
Sunset exchanges.)

96-159

PETITION

DOCKET FILE COPY ORIGINAL

I. INTRODUCTION

Southwestern Bell Telephone Company (SWBT), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby makes application for a limited modification of LATA boundaries to provide ELCS between the Bowie exchange and the Decatur and Sunset exchanges.

II. SUPPORTING INFORMATION

As prescribed in paragraph 23 of the aforementioned Commission MO&O, SWBT provides the following information in support of its application:

1. Type of service: Flat-rate, non-optional Expanded Local Calling (ELC);
2. Direction of service: Two-way;

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¹ The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

² Memorandum Opinion and Order, Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service at Various Locations, CC Docket No. 96-159, released July 15, 1997. By way of this MO&O the Commission adopted a format for and criteria under which such petitions would be granted. The format and criteria are detailed in paragraphs 23 and 24.

3. Exchanges involved: Bowie in the Wichita Falls, TX LATA, Decatur in the Dallas, TX LATA and Sunset in the Dallas, TX LATA;
4. Name of carriers: Bowie of Southwestern Bell Telephone, Decatur of Sprint/United/Centel Telephone and Sunset of Sprint/United/Centel Telephone;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers: Bowie has 5,060 access lines, Decatur has 5,691 access lines and Sunset has 375 access lines;
7. Usage data: Usage data is not available to Southwestern Bell Telephone. SWBT does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Bowie customers returning ballots who voted in favor of ELC to Decatur: 72.76. Percentage of Bowie customers returning ballots who voted in favor of ELC to Sunset: 70.48. Where SWBT is the petitioning exchange, there is no proposed rate increase. Where SWBT is not the petitioning exchange, SWBT does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

III. PRIMA FACIE SHOWING

SWBT believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or

access lines. These requirements for a *prima facie* case are detailed in the aforementioned Commission MO&O paragraph 24.

IV. CONCLUSION

Wherefore, SWBT request that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Bowie exchange and the Decatur and Sunset exchanges.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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AUGUST 29, 1997

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PUBLIC UTILITY COMMISSION
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DOCKET NO. 16212

PETITION FOR EXPANDED LOCAL
CALLING SERVICE FROM THE BOWIE
EXCHANGE TO THE EXCHANGES OF
DECATUR AND SUNSET

§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

INTERIM ORDER

Findings of Fact

1. On April 15, 1996, subscribers of the Bowie Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchanges of Decatur and Sunset.
2. The processes for petitioning and balloting included notice that the service would be for a flat monthly fee of up to \$3.50 per residential line and \$7.00 per business line on a non-optional basis.
3. The Bowie Exchange is in the Wichita Falls Local Access and Transport Area (LATA) and is served by Southwestern Bell Telephone Company (SWBT). The petitioned exchanges of Decatur and Sunset are in the Dallas LATA and are served by Sprint/Central Telephone Company (Centel).
4. An affirmative vote of 72.76 percent of Bowie Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Decatur Exchange. An affirmative vote of 70.48 percent of Bowie Exchange subscribers responding to the ballot favored expanding the local calling scope to include the Sunset Exchange.
5. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.

6. The petitioned exchange of Sunset is within the 22-mile distance requirement for community of interest to be presumed to exist between the petitioning and petitioned exchanges pursuant to 16 T.A.C. §23.49(c)(3)(B)(i).
7. The petitioned exchange of Decatur is located 26.58 miles from the Bowie Exchange utilizing the vertical and horizontal coordinates of the petitioning and petitioned exchange central offices pursuant to 16 T.A.C. §23.49(c)(3)(B)(i).
8. In addition to satisfying the Texas Public Utility Commission's rule that a requested exchange central office may not be located more than 50 miles from the petitioning exchange central office, statements attesting to the existence of a community of interest between the petitioning and petitioned exchange were filed on April 15, 1996 and May 14, 1996.
9. The Decatur Exchange provides employment, continuing education facilities, state and federal agencies, a business center and shopping for Bowie Exchange subscribers.
10. The Sunset Exchange shares a public school district with the Bowie Exchange, and provides emergency medical and ambulance service for Bowie Exchange subscribers.
11. Based on the statements referenced in Finding of Fact No. 8, there is a community of interest between the petitioning Bowie Exchange and the petitioned exchanges of Decatur and Sunset.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. This proceeding is unabated.

DOCKET NO. 16212

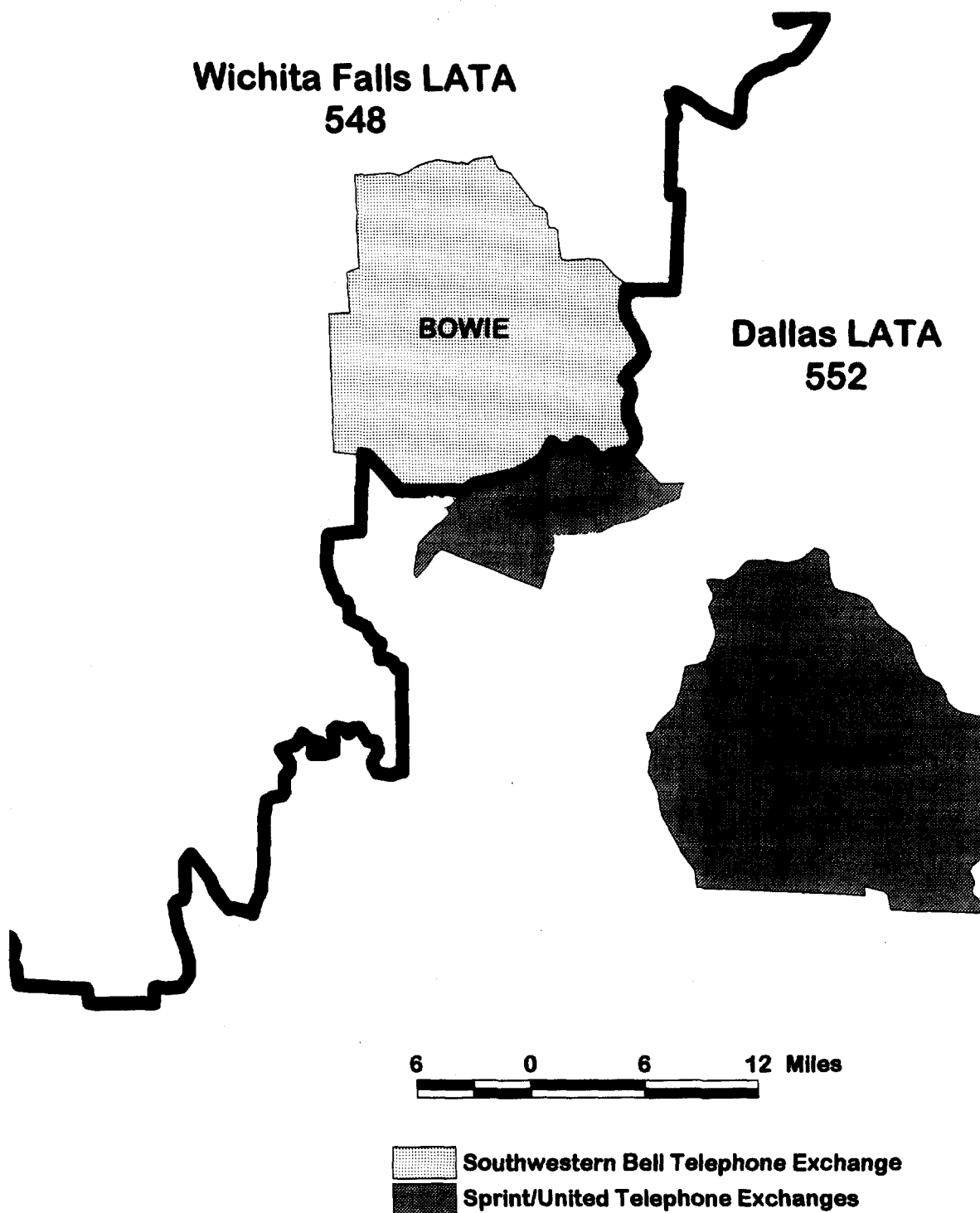
INTERIM ORDER

2. Petitioners from the Bowie Exchange have shown a community of interest with the Decatur and Sunset Exchanges.
3. Within thirty (30) days of the effective date of this Interim Order, SWBT is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order. *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24.
4. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SWBT is directed to file such Order or Notice in this project.



ISSUED BY THE OFFICE OF POLICY DEVELOPMENT
ON BEHALF OF THE PUBLIC UTILITY COMMISSION OF TEXAS
ON THE 5th DAY OF AUGUST, 1997

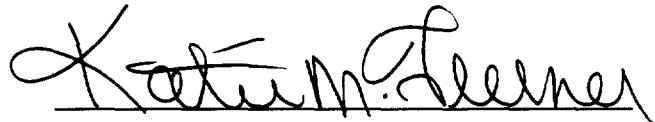
Bowie To Decatur and Sunset



This document was produced by the Texas Exchange Carrier Relations organization of Southwestern Bell Telephone Company on 8/7/97, based on the best information it could obtain from other sources at that time. In addition, it is the Telephone Company's understanding that the data underlying the creation of this document may be subject to change. Southwestern Bell makes no representation as to the accuracy of the information provided to it and used to create this document.

CERTIFICATE OF SERVICE

I, Katie M. Turner, hereby certify that the foregoing, "PETITION OF SOUTHWESTERN BELL TELEPHONE COMPANY" in Docket No. 96-159 has been filed this 29th day of August, 1997 to the Parties of Record.

A handwritten signature in cursive script, reading "Katie M. Turner", written over a horizontal line.

Katie M. Turner

August 29, 1997

Texas Public Utility Commission
1701 North Congress
Austin, Texas 78701